IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 8382 of 2005

Between:

1 A.Joseph Salomen Raja, S/o.Arumal Nayagam,
R/o.Kodad, Nalgonda Dist.
2 J.P.Satyanandam, S/o.Jaripothula,
R/o.Khammam.
3 K.Raghupathi Rao, S/o.konga simon,
R/o.Bhadrachalam, Khammam Dist.
4 R.I.Diwakar, S/o.Rantala Sikhamani,
R/o.Khammam, (All are elected Executive member of

Dornakal, church of south)

..... PETITIONERS

AND

1 Church of South India, Diocese of Dornakal, rep.by its Secretary,Rev. B.C.Pramdas,at Cathedral
Compound, Dornakal, Warangal District.
2 Rt.Rev.Dr.A.Rajaratnam, S/o.Bandi Devadanam,
Bishop & Chairman, Diccene of Dornakal, R/o.Khammam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, particularly one in the nature of writ of Prohibition, prohibiting the respondents to cause the special body meeting of the Diocesan Executive members scheduled on 15th and 16th of April, 2005 intimated through the impugned notice dated 30-3-2005 by the 1st respondent and consequently direct the respondents to follow the proper regulations while issuing a clear agenda for the special meeting and to give two months notice for the said proposed special meeting and pass such other order or orders as are deemed fit and proper in the interest of justice.

Counsel for the Petitioners: MR.GUNDLAPALLI LAXMI NARASIMHA RAO

Counsel for the Respondents: PARTY-IN-PERSON

The Court, at the admission stage, made the following :

HONOURABEL SRI JUSTICE V.ESWARAIAH

WRIT PETITION No. 8382 of 2005

ORDER:

Challenging the action of the respondents in conducting special body meeting of the Diocesan Executive Members, schedule on 15th and 16th April, 2005, intimated through the impugned notice dated 30-03-2005, by the 1st respondent-Church of South India, Diocese of Dornakal, the present writ petition has been filed.

2 . According to the petitioners, they are the members of the 1st respondent-Church. As per the Bye-Laws of the Church, one month notice has to be issued for conducting the special meeting of the Executive Committee. But, in the instant case, 15 days notice, dated 30-03-2005, was issued proposing to hold meeting of the Dioease Executive Committee in the Diocesan Committee Hall-Dornakal, on 15th and 16th
April, 2005.

3. The learned counsel for the petitioners contended that as per Clause 7 (b) of the Constitution of the Church of South India and the Bye-Laws, one month notice is required to be issued to the members for conducting special meeting, and therefore, holding meeting, without following the said guidelines as well as the Bye-Laws, Regulations, is illegal and arbitrary.

4. Per contra, the learned counsel for the respondents contended that there is an alternative efficacious remedy is available to the petitioners before the appropriate Forum, but without approaching the appropriate Forum, the petitioners filed this writ petition, hence, it is liable to be dismissed.

5. Considering the submissions made by both the counsel for the parties, I am of the opinion that in the matter of societies registration, under the Societies Registration Act, 2001, there is an alternative remedy is available for

the petitioners, and therefore, in respect of allegation in conducting special meeting without following the Bye-Laws and Regulations of the Church, it is not open for the petitioners to seek remedy by invoking the extraordinary jurisdiction under Article 226 of the Constitution of India, and, hence the writ petition is liable to be dismissed.

6. Accordingly, the writ petition is dismissed with liberty to the petitioners to avail alternative remedies available to them before the appropriate Forum under the Societies Registration Act. There shall be no order as to costs.

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April 15, 2005

Note:

Issue C.C. in two days.

B/o.

KVR

To

1. The Secretary, Rev. B.C.Pramdas, Church of South India,
Diecese of Dornakal,
at Cathedral
Compound, Dornakal, Warangal District.
2 Rt.Rev.Dr.A.Rajaratnam, S/o.Bandi Devadanam,
Bishop & Chairman, Diccene of Dornakal, R/o.Khammam.

3. Two C.D. Copies.